

California Statewide Conformity Working Group

03/13/2013 Teleconference:

Meeting Notes

The meeting started a little after 10:00 AM. Meeting moved faster than planned and ended at about 11:30 AM. Please send comments and corrections to Michael Brady at Caltrans (mike.brady[at]dot.ca.gov).

Introductions; housekeeping; agenda review

No changes to agenda.

Public Comment on matters not on the agenda

No comments received.

Federal Updates

EPA Regulatory Update

- Reminder that conformity determinations for the 2008 ozone standard must be federally approved by July 20.
- No changes to conformity regulations since last July
- Recent notice: Imperial Valley Planning Area boundary clarification – addresses issues during the recent sanctions process regarding what the Imperial Co. PM10 area really is.
- San Diego maintenance SIP budget adequacy notice signed; should be in Federal Register shortly. These are the first adequate or approved budgets using EMFAC 2011.
 - Q: adequacy finding – is this for a required budget update or is it being done on their own? EPA: It's for a new Maintenance SIP. A maintenance SIP is not required – it's optional, but needed to support a request for redesignation to attainment.
- Working on stopping sanctions clocks regarding SIP contingency measures in South Coast & San Joaquin Valley.
- [NAAQS Review Schedule](#) Update
 - Handed out and at conformity working group web site.
 - Related to implementation milestones. Refer to implementation rule information in chart.
 - Main changes:
 - State nonattainment area recommendations for 2012 PM NAAQS due in December 2013. Comment: EPA's schedule leads to nonattainment designations in December 2014 and conformity requirements applying in early 2016.
 - 3 groups of SO2 area designations:
 - 1st is for currently monitored nonattainment; already done (none in CA)
 - 2nd is for modeled nonattainment; due in 2017 (also none in CA expected)
 - 3rd is for nonattainment based on new monitors required by rule that set the standard; due in 2020.
 - Note that SIP due dates are different for different NAAQS. For SO2 they are due 18 mo. after designation rather than the typical 3 years for ozone.

- Ozone (2008) phase 2 implementation rule coming soon
 - 3/12/13 is the 5yr anniversary for the 2008 ozone NAAQS, so a new one is due under the Clean Air Act. Has not been proposed yet – expect proposal in December 2013 with final around September 2014. No other status report.
- Infrastructure SIPs. These are required for all states when a new NAAQS is promulgated – not based on nonattainment designation. They cover state authority to deal with the NAAQS. They are due at NAAQS+3 years. 2 dates are shown in the table because some SIPs have not been submitted. There's little guidance for these SIP and few lawsuits. Guidance is expected later in 13. Failure to submit may require FIP, but doesn't trigger conformity issues or highway sanctions.
- NO2 near-road monitoring: EPA makes no extra payment to air districts for this so proposed rule allows schedules to be stretched out.
 - EPA: need statewide policy from CT re monitoring sites in r/w and identification of appropriate District contacts. Some air districts (unidentified) complaining about runaround for monitor siting if CT r/w use needed.
- Quantitative Analysis Updates/EMFAC
 - EPA EMFAC approval
 - EPA “approved” (made available for conformity use) EMFAC 2011 on 3/6/2013.
 - A 6-month grace period started 3/6. New conformity studies started after September 6 must use EMFAC 2011.
 - EMFAC 2011-PL approved as a tool, not model. Alternative tools (such as CTEMFAC) can be approved through consultation and don't require SIP revision.
 - EMFAC 2007 can still be used for studies starting before the grace period ends.
 - Final NEPA must be completed within 3 years from Draft circulation to complete project-level conformity determination using EMFAC 2007.
 - Q: does a supplemental NEPA document, such as to address additional or revised alternatives, start a new clock? EPA: need to check and will advise.
 - EPA will be updating project-level analysis guidance for EMFAC 2011 & a few other things.
 - Updated PM Quantitative Analysis class will be one in Southern California later in the year if travel remains OK.
 - Reminder: new version of AERMOD (and CAL3CHCR) released in December – download & use the latest version whenever doing project-level studies.
 - Q: What is the starting date of project-level analysis? EPA: Can vary by area based on interagency consultation. EPA Guidance is not specific regarding when studies start. In CA has typically been tied to when assumptions & study design are taken to consultation.
 - Q: Dec 2012 start of mandatory POAQC quantitative analysis – defer to March 2013? EPA: NO. Deferral was for use of MOVES. December 20, 2012 transition date was for starting studies using the earlier EPA Qualitative Analysis process. (Appears to be mixing up EMFAC transition with the type of analysis – separate issues/actions.)
 - Q: why are EMFAC 2011 emissions higher than those from EMFAC 2007 in the San Joaquin Valley? EPA: not appropriate time to discuss; later.

Significant Litigation & Other Matters

- Revocation of 1997 standard for conformity is in litigation

- PM2.5 litigation in progress regarding designations and classifications under “subpart 4” vs “subpart 1?” Might prevent quick action & clean data findings?
 - EPA: explaining subpart 4 vs subpart 1.
 - Subpart 1 contains general provisions for nonattainment designations; subpart 4 has specific procedures for certain pollutants as well as a classification structure.
 - EPA implemented the 1997 PM2.5 standard under Subpart 1. Court says Subpart 4 must be used – which means setting up classifications and changes many SIP procedures & requirements.
 - Affects PM2.5 SIPs currently in house & 1997/2006/2012 PM implementation rules/procedures. 2012 PM2.5 standard implementation is under Subpart 4 from the start. Issues are with SIPs already in house for previous versions of the standard.
 - Treatment of precursors is defined in more detail in Subpart 4 than in 1.
 - This is a major thing that affects action on SIPs – waiting on guidance from HQ.
- 2008 ozone – suit is in progress regarding the level of the standard.
 - 2013-4 update could be impacted. But it’s late as of yesterday so no way to tell what will happen right now.
- Q: 1997 PM2.5 SIPs – if already approved how will they be affected by the litigation?
 - EPA: SIPs not acted on yet are affected for sure; need HQ guidance regarding already-approved ones. SIPs are most important but designations could be in play too. Areas with approved SIPs that are still nonattainment (not “clean data”) might be affected.
 - Q: Is EPA considering appeal/challenge to the ruling? EPA: probably just go with the ruling, but not decided yet. Deadline hasn’t expired for appeal.

Federal Highways & Other Updates

Jack Lord introduced as the new California Division (FHWA) Planning & Air Quality Team Leader. Joseph Vaughn & Stew Sonnenberg are still the primary conformity contacts.

Q: 23 CFR 771 revisions – expanded CE usage under MAP-21? Are changes needed in the conformity exemption list too? FHWA: need to ask environmental specialists; not sure about air quality and conformity-related matters with the CE changes.

ARB Updates

- EMFAC 2011 updates
 - *EMFAC updated in January – main changes are for the Bay Area but in general be sure to use the latest update.*
- Future EMFAC expectations
 - EMFAC 2013 review process is about to kick off. First workshop probably in May. More info will be circulated as it becomes available.
 - 2013 recombines all EMFAC modules into one; should extend to 2050 instead of 2035. Scenario capability currently in –SG will be brought into the main program.
 - Q: how many workshops & where? ARB: not sure right now – working on kickoff workshop. Should at least be one in Southern California and one in Northern California/online.
 - Q: EMFAC 2011 correction fixed overestimate of motorcycles in Santa Clara County. Is it OK to have used the old one for a particular analysis (should be conservative since the old

version produced higher emission estimates)? Consensus was that the old version should be OK in this case.

- Q: what technology and data improvements are in 2013, or is it just recombination of the separate EMFAC 2011 modules and extension of modeling period? ARB: will use latest fleet, control measure updates. Should include Advanced Clean Cars module.
- Q: is the public process any different this time from what was done for EMFAC 2011 (implication: not much)? ARB: nothing specific yet but should be more extensive than last time.

BREAK (not taken)

Caltrans Updates

- Conformity Status Table Update ([handout](#))
- CA Sanctions Clocks list ([handout](#))
 - Comment: put year on SIP or other document references to clarify the issue.
- CTEMFAC for EMFAC 2011: in beta testing – should be out soon. Will then start consultation & review process.
 - Comment: Expand guidance on taking credit for SIP control measure reductions. CTEMFAC for EMFAC 2007 doesn't address that. Caltrans: needs more discussion; capability is not there now or in updated program. CTEMFAC just uses what's in EMFAC so if control measures are not in EMFAC they won't be covered in CTEMFAC either.
 - Further comment: EPA's Project-Level PM Analysis Guidance allows credit for control measures in the SIP, so there should be a way to do it. CT response: comment noted; however if it's not in EMFAC it can't be in CTEMFAC at this time.
- NO2 monitors: EPA notes that some Caltrans Districts want a statewide policy on how to handle siting of monitors within the right of way. Just came up within the last couple of weeks.
- Q: sequester pushing near-road monitoring back another year (beyond the delay already issued until 2014)? Possible effect regarding sanctions? No clear answer available.

Status of Air Quality and Transportation Planning in California

(Asked that areas mention status regarding 2008 8-hr ozone conformity and SCS/lawsuit issues as they may apply to conformity.)

- FHWA: Stated that they need 2 months for review of 2008 ozone conformity determinations. So they should be submitted by late May. Several MPOs may not make that deadline.
- San Diego:
 - 2012 TIP amendment for 2008 ozone standard is in progress.
 - RTP update in progress for 2015.
 - APCD: 1997 Ozone Maintenance SIP budgets were found adequate. Waiting on overall SIP approval and redesignation.
- SCAG:
 - Received FHWA/FTA conformity determination for the 2013 FTIP
 - Transmitted to the SCAQMD the SCAG's Regional Transportation Strategy and Control Measures and Strategies as Appendix IV-C of the 2012 South Coast AQMP which has been submitted to EPA.

- 2008 ozone conformity re-determination submitted to FHWA/FTA for 5 of 7 nonattainment areas. Working on Indian Country (remaining 2 “donut” nonattainment areas) – to adopt early April 2013.
- Doing 1st amendment to 2012-2035 RTP/SCS and consistency amendment to 2013 FTIP. Will release draft amendments document including conformity determination in early April and adopt in June.
- Tribal consultation meeting this afternoon regarding conformity determination for Indian Country nonattainment areas for 2008 ozone.
- San Joaquin Valley:
 - 2008 ozone conformity demonstration being done with EMFAC 2007 to work with current emission budgets. Concurrence on procedures & assumptions done. Modeling done but being reviewed. All 8 MPOs have to act as 1 – separate modeling for each but FHWA must approve concurrently – as a multi-jurisdictional nonattainment area. Public meetings to be held in April, adoption in May, send to FHWA by the end of May.
 - Starting on 2014 RTPs. Plan to adopt at the end of 2013. Will use EMFAC 2011 & new travel models.
 - 2012 PM2.5 plan adopted by ARB in January and submitted to EPA. Conformity budget adequacy timing critical; needs to be AFTER 2008 Ozone Conformity demonstration federally approved, but PRIOR to 2014 RTP adoption.
 - Ozone SIP for both 1-hr and 8-hr standards (VMT offset issue) in process. To go to APCD Board in June. No impact on conformity budgets.
 - Problem with conformity using EMFAC 2011. CO is OK but not ozone (using old emission budgets based on EMFAC 2007). PM10 budgets are OK, but PM2.5 depends on which standard is used. FHWA extension of EMFAC 2007 use consistent with EPA grace period is needed to allow completion of current amendments that depend on the 2008 ozone SIP and emission budgets. New RTPs should work with EMFAC 2011 IF EMISSION BUDGETS ARE UPDATED.
- MTC:
 - Working on draft conformity analysis for next RTP – draft to be released 3/29. Will be in lapse grace period between final adoption & approval by FHWA.
 - Using EMFAC 2011 for everything and meeting all budgets.
 - GHG targets? Should meet them in 2020 & 2035 due to added investment.
- SACOG:
 - Conformity analysis for 2008 ozone standard is on the street now; to board in April and FHWA in June.
 - Emission Budgets – updating ozone SIP for Sac Area, doing maintenance SIP for Yuba-Sutter to support redesignation to attainment (PM2.5). Need revised ozone budgets approved AFTER JUNE so conformity for 2008 standard can be done using existing budgets and analysis.
- Tahoe: Just got TIP / RTP approved. (Editor’s Note: CO area only; no ozone analysis required.)
- BCAG: Consultation for 2008 ozone redetermination in progress. Should go to Board in May and FHWA in June.
- Mountain Counties: Amador & Tuolumne are unclassified for 2008 ozone. Revocation for 1997 standard is still on.

Information Sharing

- Next meeting – September-October 2013 teleconference to be arranged via Doodle poll as usual.
- Will need to consider a new chair; Mike Brady planning to retire around the end of 2013.

Adjourn (actual time 11:30 AM)